

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 25, 2019

Agenda Item: Mt. Haggin WMA Land Transfer to Montana Department of Transportation (R3)

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background

Western Federal Lands Highway Division of the Federal Highway Administration (FHWA) in partnership with MDT plans to improve a 4-mile section of existing paved surface of MT Highway 569 across FWP's Mt. Haggin WMA. The highway project would include resurfacing and widening the existing road prism, repairing and restoring drainage, replacing the California Creek Bridge, installing earth walls, and placing pavement markings.

Road reconstruction would include widening the existing road prism from 22-24 feet to 26 feet. This expansion would require the permanent conversion of approximately 0.90 acre of FWP land on the Mt. Haggin WMA to MDT ownership. Because FWP purchased the WMA with Land and Water Conservation Funds, Section 6(f) of the Land and Water Conservation Fund Act applies to any land conversion that occurs on the WMA. Specifically, MDT must provide replacement property to FWP to equal the approximately 0.90 acre that will be taken in this project. Since 1998, FWP and MDT have maintained a spreadsheet depicting remaining credit/debit status of all 6(f) properties across the state. This process has commonly been referred to as the "6(f) Properties Bank." It is the intent of MDT and FWP to use the existing 6(f) Properties Bank to mitigate the impacts of the 0.90 acre of 6(f) property owned by FWP that would be taken in this road project.

Public Involvement Process & Results

FWHA determined that this project, referred to as "North of Moose Creek North," qualified for Categorical Exclusion, and only a limited environmental assessment was required. This assessment was made available to the public via postings in the *Missoulian* and *Montana Standard* in June 2018. No comments were received.

FWP biologists provided input to the project design and have reviewed this environmental assessment. FWP expressed concern that the Oregon Creek culvert as designed may not maintain fish and aquatic organism passage year-round. Project engineers have addressed these concerns as adequately as possible given the structure type and have agreed to do one year of monitoring after project completion to ensure the mitigative measures produce the outcome desired. If fish passage is interrupted the first year, additional actions would be taken to maintain surface flows that would allow for fish passage.

Alternatives and Analysis

The functional alternatives of this project were analyzed and adopted by FWHA and MDT. Minimal impacts are expected to result from this project; most are temporary while construction is occurring. Benefits would include public safety from improved road conditions and replacement of the California Creek bridge and reduction in sediment flow into Oregon and California creeks with culvert replacement and bank erosion control. In terms of transfer of ownership between FWP and MDT, using the 6(f) Properties Bank appears to be the sole solution and is consistent with requirements of the Land and Water Conservation Fund.

Agency Recommendation & Rationale

FWP recommends the commission approve the permanent conversion of approximately 0.90 acre of FWP land on the Mt. Haggin WMA to MDT ownership to be applied to the existing 6(f) Properties Bank.

Proposed Motion

I move the commission approve the conversion of approximately 0.90 acre of FWP land to MDT ownership on the Mt. Haggin WMA by applying these acres to the 6(f) Properties Bank.